THE HON'BLE SRI JUSTICE G. CHANDRAIAH

W.P.No.13047 of 2005

Dated: 19-08-2005

Between:

V. Venkateswara Rao,

S/o. Raghavaiah

Aged about 67 years, R/o.Eluru,

West Godavari Distrit.

... Petitioner

AND

The Government of Andhra Pradesh

Represented by Principal Secretary to the Government

Revenue (Endowments) Department, Hyderabad.

... Respondents

ORDER:

This writ petition is filed seeking Writ of *Mandamus* to declare the inaction of the respondents in constituting a non-hereditary Trust Board for Sri Venkateswara Swamy Devastanam, Dwaraka Tirumala, West Godavari District as illegal and arbitrary and for a consequential direction to the respondents to constitute a non-hereditary Trust Board forthwith in pursuance of G.O.Rt. No.2291, Revenue (Endowments) Department dated 04-12-2003 for Sri Venkateswara Swamy Devasthanam, Dwaraka Tirumala, West Godavari District (for short 'Devasthanam').

It is submitted by the learned counsel for the petitioner that on 04-12-2003, the

Government issued a notification for the purpose of constituting a Trust Board for the said Devasthanam. Questioning the same, a writ petition was filed bearing W.P. No.26233 of 2003, which was dismissed by this Court on 08-01-2004. Thereafter, another writ petition was filed bearing W.P. No.2517 of 2004, which was also dismissed by order, dated 11-02-2004, aggrieved by the same a writ appeal was filed bearing W.A. No.318 of 2004 which was also dismissed as withdrawn on 03-03-2004. He submitted that the petitioner has deep religious faith in the Devasthanam being its ardent devotee. It is also stated that he evinced keen interest for protecting the interests of the Devasthanam by making representations to the District Collector and other functionaries from time to time pointing out various irregularities in the administration of the Devasthanam, therefore he constrained to file the present writ petition.

He also submitted that the authorities concerned are not taking any steps for the purpose of constituting a

non-hereditary Trust Board for Devasthanam. He further submits that if the non-hereditary Trust Board for Devasthanam is not constituted, it would cause irreparable loss in the affairs of the administration of the Devasthanam. Therefore, seeks a direction to the authorities concerned to take steps for constitution of a non-hereditary Trust Board for Devasthnam.

The learned Government Pleader for Endowments brought to the notice of this Court that Memo No.159220/E.IV(2)/2003-5 dated 05-05-2005 issued by the Government of Andhra Pradesh, Revenue (ENDTS. IV) Department with regard to issuance of fresh notification for constitution of Trust Board. In the said memo it is mentioned that consequent on the notification under Section 4(1) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Appointment of Trustee Rules, 1987, various applications were filed and while so, one Dr.Rajendra Prasad, Kamavarapukota West Godavari District filed W.P.No.250 of 2004 and obtained interim orders in WPMP.No.350 of 2004 to the effect that “Constitution of Trust Board will be subject to further orders to be passed in WPMP”. As one year has elapsed after issuance of the said notification and no Trust Board was constituted by the Government, the Commissioner of Endowments has requested the Government to issue notification under Section 15(1)(4) of the Endowments Act 30/87 as the Government is competent to constitute a Board of Trustee to

Sri Venkateswara Swamy Devasthanam, Dwaraka Tirumala, West Godavari

District. It is also mentioned in the said memo that in the circumstances stated above, the Government after careful examination of the matter, decided to issue fresh notification and also directed the Commissioner of Endowments to take necessary action for publication and for issuance of notice as per rules.

In view of the above facts and circumstances and also in view of the memo dated 05-05-2005, the respondents are directed to take necessary action in accordance with law.

With the above observation, the writ petition is disposed of. No order as to costs.

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G. CHANDRAIAH, J

Dated: 19-08-2005

LSK